



"The City With a Heart"

Larry Franzella, Mayor
Jim Ruane, Vice Mayor
Ken Ibarra, Councilmember
Irene O'Connell, Councilmember
Chris Pallas, Councilmember

MINUTES

CITY COUNCIL REGULAR MEETING

July 12, 2005

THIS IS TO CERTIFY THAT:

The San Bruno City Council met in regular session on Tuesday July 12, 2005, at 1555 Crystal Springs Road (Senior Center) and the meeting was called to order at 7:00 p.m.

Mayor Franzella thanked the **San Bruno Garden Club** for providing the beautiful floral arrangement.

1. ROLL CALL: Mayor Franzella presiding with Councilmembers Ruane, Pallas, Ibarra, and O'Connell in attendance. City Clerk Simon was recording and also led the **PLEDGE OF ALLEGIANCE:**

ANNOUNCEMENTS:

Library Services Director Terry Jackson and the staff of the San Bruno Public Library invited the community to celebrate the **Library's 50th year** at its present location on Friday July 15, 2005, at 1:30 p.m. Please come and reminisce over a slice of San Bruno history with a slice of cake! July 15th marks fifty years since the Library moved to 701 Angus Avenue in the Civic Center in 1955.

Director Jackson said the public is invited to bring any old photos of historical events they may have. The Library just received a grant to digitize photos so they can be enlarged and made available to the entire community.

PRESENTATIONS:

Proclamation proclaiming July 15, 2005, as **EDITH MCCLURG DAY** in acknowledgement of Edith's years of dedicated volunteer service to the San Bruno Public Library and the City of San Bruno.

Mrs. McClurg was given a standing ovation by City officials and members of the audience. Director Jackson said the City of San Bruno is a better place and more importantly, those who have worked with Edith are better for having known her. Mrs. McClurg said it has been a pleasure working for the City and more people should volunteer to serve on City committees.

Councilmember Pallas said Mrs. McClurg has done so much more than the partial list of contributions mentioned in the proclamation.

Rose Urbach of Euclid Avenue said she worked with the first Librarian Thelma Passo who was from her hometown in Hibbing, Minnesota.

2. REVIEW OF AGENDA: No changes were made.

3. APPROVAL OF MINUTES: The regular City Council meeting minutes of June 28, 2005, was approved as submitted.

- 4. CONSENT CALENDAR:** All items listed are considered routine or implement an earlier Council action and may be enacted by one motion; there will be no separate discussion unless requested by Councilmember, citizen or staff.
- a. Approve: Payroll** of July 1, 2005.
 - b. Approve: Accounts Payable** of May 30, 2005, June 13 and 20, 2005, (Council Packets only, copy is available for review at the City Clerk's office).
 - c. Adopt:** Waive second reading and adopt Ordinance No. 1701 approving a **3.386% rate increase** requested by San Bruno Garbage Company for FY 2005-06 to be effective on September 1, 2005.

M/S Ibarra/Ruane to approve the consent calendar and it passed with a unanimous vote.

5. PUBLIC HEARINGS: (Notices have been published, posted, and mailed.) **None**

6. UNFINISHED BUSINESS:

7. CALL FOR, PRESENTATION OF BIDS, and AWARD OF CONTRACT: None

8. COMMUNICATIONS:

Councilmember Pallas read an article concerning the City of Reno where Pitt Bulls have been banned from streets during the day. A new law requires aggressive breeds of dogs to be kept off City Streets except for the hours of 10:00 p.m. to 5:00 a.m. He also received a letter from nine-year-old Alexis Teter of San Carlos stating that dog owners must take responsibility and provide training for their pets. The City Clerk was requested to reply to the letter on Councilmember Pallas's behalf. He also read a report from the U.S. Water News that Cities should bottle water and give to their residents to drink because 70% of water purchased actually comes from the City tap and the Cities can make a profit by selling water. He also requested a status update be given at the next Council meeting on the production activity of each of the City's five water wells.

9. STAFF REPORTS:

- a.** Fire Chief Voreyer, Police Chief Violet, and Public Works Director Munns presented an oral report on the **July 4, 2005** fireworks related activities.

Acting City Manager O'Leary gave a brief history of the City's efforts to use public education and increased enforcement programs to make this year's event safe for the City's residents. A video produced by San Bruno CATV Production Manager Steve Firpo was shown to the Council showing the activity recorded on the evening of July 4, 2005.

Fire Chief Voreyer reported that a public information program was started the first of this year, it included articles in the Focus Magazines which was distributed to all households. Meetings were held with the fireworks industry and non-profit groups. Notices were placed in the newspapers and flyers handed out at all booths. Large signboards were designed and put out by the fireworks companies warning people about San Bruno's Zero Tolerance Policy on illegal fireworks. The Recreation Guide includes a window sign to display this same policy. Presentations were made at all elementary, middle, and high schools by police and fire personnel during the month of May. Over 4000 30-second public services announcements were played over various TV channels. The message board on CATV channel 11 was being run until noon on July 4, 2005. Hot lines were used to report areas of problems in past years. There were 159 visits made to residents and 4 weeks of time was devoted to the public education efforts. As a result, there were no grass fires or injuries reported on the 4th of July. There were no reported injuries; people were keeping the street clear and cleaning up their debris. The use of illegal fireworks was comparative less than in 2004;

City Council Regular Meeting – Minutes

July 12, 2005

Page 3 of 7

however, there were still a substantial and dangerous amount of illegal fireworks, especially aerial devices being use throughout San Bruno and therefore there is still a widespread risk of fire and injury to the community. There were 119 inspections of fireworks booths during the sales period. All 17 non-profit organizations complied with regulations and the fireworks industry supplied the booths with proper public safety information and handouts. The fire department did not implement its normal cross staffing during July 1 to July 4 because of the increased risk of fire. There was one additional paramedic engine staff on the 4th of July. There were 55 incidents responded to during June 28th to July 4th which included 6 fires of which one was a grass fire which was started by juveniles playing with safe and sane fireworks. On the day of the 4th of July, there were no fires or injuries caused by safe and sane or illegal fireworks. There were 195 pounds of mostly illegal fireworks confiscated. Total fire department cost for public education and operations were estimated at \$33,000 and actual cost were \$25,475.

Chief of Police Violet reported that the enforcement program began on June 24th and ending on July 5th, 2005. All personnel not on scheduled vacation were required to work on the 4th of July. There were 53 officers on duty, including 10 Deputy Sheriffs, and over a dozen non-sworn police officers doing bookings. There were 54 arrested in a 4-hour period for illegal fireworks violations. During this same 4-hour window, the police department received 232 calls for service. 245 pounds of illegal fireworks were received. There were 4 administrative citations issued to individuals using safe and sane fireworks within 60 feet of a fireworks booth. The total police enforcement cost recovery estimates were \$34,652 and actual estimated cost was \$37,168. The level of fireworks activity was less than in 2004 but still very significant.

Acting City Manager O'Leary reported that the Pubic Works Department incurred a cost of just under \$1,000 for clean up on July 5th 2005.

Councilmember Pallas asked if all those arrested were being charged at least \$500 and wouldn't this make \$25,000 available to offset the cost of police enforcement? Chief Violet replied that most of the 69 arrested would be handled by the San Mateo County Judicial system and the fines will go to the State not the City of San Bruno.

Councilmember Ibarra said he drove around town late July 4th and he was able to see the aerial fireworks all over the place and how do you arrest someone using these illegal fireworks? Chief Violet replied that most of the arrests were by officers on foot and in unmarked police cars who observed the individual actually using the illegal fireworks. The police prior to this year's event had contacted most of the areas having problems in 2004 and there were fewer problems reported in those areas this year.

Councilmember Pallas asked if our neighboring Cities of Millbrae, South City, and Burlingame had problems with illegal fireworks and how was it dealt with? Chief Violet replied that most Cities have minimal staffing and in some cases will ignore fireworks complaints during the July 4th evening, which is mostly during a 4-hour intense period.

Vice Mayor Ruane said he would like to commend both Chiefs and their departments for the hard work this 4th of July. He had the opportunity to ride along with Chief Violet for 2½ hours that evening and while many families were in their lawn chairs, barbequing, and using fireworks properly, there were many streets where it was difficult to drive down due to so much smoke. He still feels the City was lucky and believes the fact that safe and sane is allowed draws problems of other fireworks into the City.

Mayor Franzella asked if members of the public wished to speak on this item:

Scott Buschman of Claremont Drive said he appreciates the efforts of the police and fire Departments this year. There were no fires or injuries and it seems like the City did a major education process with good results. Is there a recommendation for future years and the next step if we have fireworks sales?

Molly Diamond of Emaron Drive said her neighborhood had aeriels going off all evening and feels we should ban even safe and sane. Her children and animals are scared of all the noise. She called the police but did not see any vehicles. Grass around the jail site is very high and it is dangerous.

Joan Borsch of Fleetwood Drive thanked the police and fire departments for their efforts. She thanked Jim Ruane and Ken Ibarra for visiting the neighborhood during the fourth of July. (Mayor Franzella said he was also riding along with the City Manager to see what was going on.) The Rollingwood area had more problems than the prior year. She believes if safe and sane fireworks were banned it would help. She believes Dennis Revell is giving money to the City and the Council is giving him special treatment. She made three calls to the fireworks hotline and did not obtain any results.

Al Watson of Fleetwood Drive said Rollingwood neighborhood was out of control and fireworks were hitting the top of his pine trees up until 11 p.m. Can the police chief tell us how many officers were assigned to his neighborhood? It was a miracle that there were no fires from all the sparks.

David Morgan of Olive Court said the fire and police departments did an excellent job this year and the aerial fireworks were down from last year. He does not believe Councilmembers are being influenced by the fireworks industry and handle their job well. San Bruno residents enjoy their freedom and safe and sane fireworks. The surrounding area Cities had just as many problems and they don't allow safe and sane.

Jeffrey Tong of Fleetwood Drive said the Fleetwood neighborhood of Rollingwood was like a war zone. He showed over 2 dozen aerial devices, which landed, on his roof. He heard fireworks up until July 11, 2005. He does not believe there is such a thing as safe and sane and all should be banned.

Craig Montez of Fleetwood Drive said the degree of explosives has grown. His concern is that West of 280 there are a lot of easements with dry brush and dying pine trees, which will catch fire. Fires from fireworks will cost more than money made from selling safe and sane fireworks.

Alan Lubke of Rollingwood Drive said he sent in a letter labeled communications and does not see it on the agenda tonight. Letters on communications should be put on the agenda. Why wasn't San Bruno CATV used to publish the hot line number for fireworks on the fourth of July? Congratulation to the police department in arresting 63 people and now lets get it down to zero.

Jennifer Loragini of Rollingwood Drive said we are talking about a freedom and according to the Fire Chief there were no fires or injuries. Fireworks support the non-profit organization, which help our youth and actually prevent crime. Other Cities have the same problem but do not have the benefits of this fundraiser. She loves fireworks and the benefit it provides the City of San Bruno.

Lynn Berliner of Rollingwood said we should turn in the neighbors who are using the illegal fireworks. He represents the San Bruno Pee Wee Baseball group and feels the safe and sane fireworks are the best

things that have ever happened to the City. From his house he could see the illegal in all the communities around San Bruno and at least we have the fund raising benefits of safe and sane.

Earl Peterson of San Anselmo Avenue, a one year resident, was surprised about the about of fireworks in the streets. Between 9 and 11 p.m. there were people in the street with legal and illegal fireworks. It is impossible for the police to control everything. M-80's and bottle rockets were much in use and too much smoke in the streets. The police department was out there doing their best but it is an impossible situation.

Mike Kaiser of 5th Avenue said the police and fire did a great job and it was much quieter than past years. The citizens complaining are not helping out the community. If they don't want the sale of safe and sane fireworks to pay for the non-profit activity maybe they will request the City to impose a parcel tax.

Dennis Revell of Revell Communications, representing the Fireworks wholesalers, commended the City Council, police, and fire departments for their stellar results. He recommended the City submit cost bills to the San Mateo County DA's office and have those offenders pay as a condition of probation for using illegal fireworks. The fireworks industry has underwritten the educational program for 15 years and is proud of it.

Tricia Estalita of Williams Avenue said the sale of safe and sane fireworks benefit the youth of our community. She volunteers at the Parkside Middle School booth and it is a lot of work but there are money shortfalls and this helps out. There are illegal fireworks in the Russian River area where they have been banned, so it won't make a difference if San Bruno bans safe and sane fireworks. She is the president of Parkside PTO and doesn't see any other way to raise the amount of funds needed unless the voters want to pass a parcel tax.

Fire Chief Voreyer said regarding the hot line number, it was to report neighbors who have used illegal fireworks in the past. On the 4th of July residents should be calling 911 or the police business line. Over 4000 30 seconds PSA's were shown. There was a message on Channel 11 regarding zero tolerance of illegal fireworks; however, it went off at 12 noon instead of midnight on July 4, 2005. There were three mailings that went out to every household.

Police Chief Violett said there were 9 officers assigned to the Rollingwood neighborhood. There were arrests on Rollingwood, Fleetwood, and at Skyline College. If we had 20 more police officers we could have made many more arrest in the Rollingwood neighborhood.

Mayor Franzella said he commends the police and fire departments for the effort they put forth; however, it is an undaunting task. It continues to be a war zone out there and this City Council has placed a measure on this November's ballot and it is in the citizen's hands at this time.

Councilmember Pallas said when the immigrants came to California they made all kinds of noise during the celebration of July 4th which represents our freedom. Today more than ever we celebrate the 4th of July to show we care. What's wrong with a little noise, that represents a yell for freedom. You will never get rid of fireworks. The Chinese use fireworks to celebrate the New Year and a little noise won't hurt us.

Councilmember Ibarra said this issue would be on the ballot and please vote how you feel. I have not taken a strong stand for or against.

Councilmember O'Connell said she was at home with her family celebrating Independence Day. She followed all the rules and enjoyed her safe and sane fireworks. As far as being on the take from the

Fireworks Industry she is not aware of any direct benefit to any elected officials. She firmly believes the City cannot get rid of illegal fireworks by banning safe and sane. Just look at all the other Cities for your proof, without funding there is no enforcement like we now have in place. You have the right and privilege to vote on this issue in November.

- b. Interim Human Resources Manager Santos recommended the City Council adopt a resolution approving the **City's Equal Opportunity Program**, including the Equal Opportunity Policy Statement and the Harassment Free Workplace Policy Statement.

Vice Mayor Ruane introduced the resolution for adoption with a roll call vote of all ayes.

- c. Fire Chief Voreyer recommended the City Council adopt a resolution approving an agreement for the **Joint Emergency Medical Services Training and Administration Program** with the cities of Millbrae and San Mateo and the Central County Fire Department.

Fire Chief Voreyer gave the staff report to the Council.

Vice Mayor Ruane introduced the resolution for adoption with a roll call vote of all ayes.

- d. City Clerk Simon presented oral update regarding Municipal Election and the **candidate nomination process**.

Clerk Simon gave an update for the November 8, 2005, General Municipal Election and a schedule on taking out papers to run for an elected office.

10. REPORT OF CITY ATTORNEY - RESOLUTIONS & ORDINANCES: None

11. PUBLIC COMMENT ON ITEMS NOT ON AGENDA:

Ronald Davis of Goodwin Drive requested the City staff take over his homeowner's association. There are only 40 new homes and he and 20 others are not satisfied with the direction the association is taking. Mayor Franzella said he does not believe the homeowners would want to pay for the cost of operating a City department.

City Attorney Thompson said the City has required as a condition of approval the developer do such things as a maintenance association formed to take care of certain private improvements. The CC&R's was recorded and a copy is in the file at City Hall.

12. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES:

- a. City Clerk Simon requested the City Council set date and time to **interview applicants to fill vacancies** on Culture & Arts Commission, Bicycle & Pedestrian Committee, Community Preparedness Committee, and Parks & Recreation Commission (Youth Representative).

Mayor Franzella said we only have two more meetings this summer and since we don't have a large number of applicants, we should hold this item until the end of September and re-advertise in October. The interviews will be held the first week in October and schools will be back in session so we may obtain applicants for the Youth Representative on the Parks and Recreation Commission.

Councilmember O'Connell reminded the public about the 2005 Beautification Awards Program. Applications are on line on the City's Web Site, in the Library, Senior Center, and at the City Clerk's office.

- b. The Citizens Advisory Committee for Caltrain Preferred Grade Separation and Station Design** meeting is scheduled for July 28, 2005, 6:00 p.m. at San Bruno City Hall, 567 El Camino Real in the Sister City Conference room #115.

13. NEW BUSINESS:

Councilmember Ibarra asked the Chief of Police to give an update on gang activity and graffiti abatement at the next Council Meeting.

14. ADJOURNMENT:

With no other business to transact, meeting adjourned at 9:00 p.m. to the next regular City Council meeting scheduled for Tuesday July 26, 2005, 7:00 p.m. at the Senior Center, at 1555 Crystal Springs Road.

**Respectfully submitted for approval
at the regular City Council meeting
of July 26, 2005**

Ed Simon, City Clerk

Larry Franzella, Mayor